

# Exhibit A

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**Subject:** FW: Newspaper Plaintiffs' Amended Complaint

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**From:** Kevin Orsini <[korsini@cravath.com](mailto:korsini@cravath.com)>

**Sent:** Tuesday, October 18, 2022 8:47 PM

**To:** Steve Jodlowski <[SJodlowski@rgrdlaw.com](mailto:SJodlowski@rgrdlaw.com)>

**Cc:** Martha Reiser <[mreiser@cravath.com](mailto:mreiser@cravath.com)>; Brittany Sukiennik <[bsukiennik@cravath.com](mailto:bsukiennik@cravath.com)>; Andrew Huynh <[ahuynh@cravath.com](mailto:ahuynh@cravath.com)>; Stuart Davidson <[sdavidson@rgrdlaw.com](mailto:sdavidson@rgrdlaw.com)>; Serina Vash <[svash@hermanjones.com](mailto:svash@hermanjones.com)>

**Subject:** Re: Newspaper Plaintiffs' Amended Complaint

Steve,

With respect, there still is significant ambiguity as to what Facebook information you do and do not have and how you got access to any information that you do have.

I now understand that the Facebook-designated confidential document you reference in your motion to seal is a copy of the GNBA.

But that still leaves the question of how you were able to describe “internal Facebook documents” in your proposed amended complaint. Are you saying that even though you make allegations about the content of some supposed internal Facebook documents, you do not actually have—and have not actually had—copies of, or access to, internal Facebook documents? If that is the case, how did you come to learn what was or was not said in internal company communications?

Kevin

Sent from my iPad

On Oct 18, 2022, at 6:05 PM, Steve Jodlowski <[SJodlowski@rgrdlaw.com](mailto:SJodlowski@rgrdlaw.com)> wrote:

External (sjodlowski@rgrdlaw.com)

[Report This Email](#) [FAQ](#)

Kevin –

And we’ll tell you for the (now) third time: without waiving any privileges, our information is based upon our investigation, our work product, information available from the Google document production, as well as information available and in the public domain.

We don’t appreciate you continuing to represent that we have “refused” to answer your questions, when we have done nothing of the sort. You asked us to identify the sources of our information, which we did. You asked if we had Facebook’s confidential documents, and we told you we did not. Then you asked about our reference to “internal Facebook documents,” which we explained. All of your demands were under the pretense of needing to know what was redacted, even though you have had access to

the unredacted version of the complaint (with the relevant allegations highlighted) since our filing two weeks ago. We have been exceedingly patient with your demands.

We submitted the complaint temporarily under seal as a courtesy to your client to give it the opportunity to move to keep the allegations under seal if it believes the redacted information is competitively sensitive, and nothing is preventing Facebook from doing that. To the extent you believe the conduct here warrants bringing something to the Court's attention, we reserve all rights to do the same.

Regards,  
Steve

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**From:** Kevin Orsini <[Korsini@cravath.com](mailto:Korsini@cravath.com)>  
**Sent:** Tuesday, October 18, 2022 9:52 AM  
**To:** Steve Jodlowski <[SJodlowski@rgrdlaw.com](mailto:SJodlowski@rgrdlaw.com)>  
**Cc:** Martha Reiser <[mreiser@cravath.com](mailto:mreiser@cravath.com)>; Brittany Sukiennik <[bsukiennik@cravath.com](mailto:bsukiennik@cravath.com)>; Andrew Huynh <[ahuynh@cravath.com](mailto:ahuynh@cravath.com)>; Stuart Davidson <[sdavidson@rgrdlaw.com](mailto:sdavidson@rgrdlaw.com)>; Serina Vash <[svash@hermanjones.com](mailto:svash@hermanjones.com)>  
**Subject:** RE: Newspaper Plaintiffs' Amended Complaint

EXTERNAL SENDER

I see, thank you.

And I will ask one final time: in paragraphs 314 and 315, you reference "internal Facebook documents". What are those documents and where did you get them?

If you continue to refuse to tell us what documents you are purportedly summarizing and where you got them from, we will raise this issue with the Court.

Kevin

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**From:** Steve Jodlowski <[SJodlowski@rgrdlaw.com](mailto:SJodlowski@rgrdlaw.com)>  
**Sent:** Tuesday, October 18, 2022 12:25 PM  
**To:** Kevin Orsini <[Korsini@cravath.com](mailto:Korsini@cravath.com)>  
**Cc:** Martha Reiser <[mreiser@cravath.com](mailto:mreiser@cravath.com)>; Brittany Sukiennik <[bsukiennik@cravath.com](mailto:bsukiennik@cravath.com)>; Andrew Huynh <[ahuynh@cravath.com](mailto:ahuynh@cravath.com)>; Stuart Davidson <[sdavidson@rgrdlaw.com](mailto:sdavidson@rgrdlaw.com)>; Serina Vash <[svash@hermanjones.com](mailto:svash@hermanjones.com)>  
**Subject:** RE: Newspaper Plaintiffs' Amended Complaint

Kevin -

The basis for that statement is the confidentiality stamp that appears to have been applied by Facebook to the network bidding agreement contained within Google's document production.

Regards,  
Steve

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**From:** Kevin Orsini <[Korsini@cravath.com](mailto:Korsini@cravath.com)>  
**Sent:** Tuesday, October 18, 2022 5:08 AM  
**To:** Steve Jodlowski <[SJodlowski@rgrdlaw.com](mailto:SJodlowski@rgrdlaw.com)>  
**Cc:** Martha Reiser <[mreiser@cravath.com](mailto:mreiser@cravath.com)>; Brittany Sukiennik <[bsukiennik@cravath.com](mailto:bsukiennik@cravath.com)>; Andrew Huynh <[ahuynh@cravath.com](mailto:ahuynh@cravath.com)>; Stuart Davidson <[sdavidson@rgrdlaw.com](mailto:sdavidson@rgrdlaw.com)>; Serina Vash <[svash@hermanjones.com](mailto:svash@hermanjones.com)>  
**Subject:** Re: Newspaper Plaintiffs' Amended Complaint

EXTERNAL SENDER  
Steve:

What is the factual basis for the underlined portion of this representation you made to the Court:

“Plaintiffs have filed a public version of the Complaint with very limited redactions for allegations drawn from internal documents designated as confidential by Facebook”.

When and in what context did Facebook designate the internal documents confidential? Are you refusing to provide that information to us?

Kevin

On Oct 17, 2022, at 5:38 PM, Steve Jodlowski <[SJodlowski@rgrdlaw.com](mailto:SJodlowski@rgrdlaw.com)> wrote:

Kevin:

We understand that Facebook has access to the fully unredacted complaint through the ECF link to our letter filing with the Court (ECF No. 329). The redacted information has been highlighted and can be found in paragraphs 314 and 315. If you cannot see what has been redacted, please let us know.

Regarding your request for the source(s) of the information, we have already identified them and explained that we do not have confidential documents produced by Facebook.

Regards,  
Steve

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**From:** Kevin Orsini <[Korsini@cravath.com](mailto:Korsini@cravath.com)>  
**Sent:** Monday, October 17, 2022 8:13 AM  
**To:** Kevin Orsini <[Korsini@cravath.com](mailto:Korsini@cravath.com)>  
**Cc:** Steve Jodlowski <[SJodlowski@rgrdlaw.com](mailto:SJodlowski@rgrdlaw.com)>; Martha Reiser <[mreiser@cravath.com](mailto:mreiser@cravath.com)>; Brittany Sukiennik <[bsukiennik@cravath.com](mailto:bsukiennik@cravath.com)>; Andrew Huynh <[ahuynh@cravath.com](mailto:ahuynh@cravath.com)>; Stuart Davidson <[sdavidson@rgrdlaw.com](mailto:sdavidson@rgrdlaw.com)>; Serina Vash

<[svash@hermanjones.com](mailto:svash@hermanjones.com)>

**Subject:** Re: Newspaper Plaintiffs' Amended Complaint

EXTERNAL SENDER

Steve,

We need to know what has been redacted and where you got it from immediately. Our deadline to file something with the Court is Wednesday.

Kevin

On Oct 14, 2022, at 7:32 PM, Kevin Orsini <[KOrsini@cravath.com](mailto:KOrsini@cravath.com)> wrote:

Steve,

Thank you for your response. We remain confused.

Your motion to seal states the following:

"Plaintiffs have filed a public version of the Complaint with very limited redactions for allegations drawn from internal documents designated as confidential by Facebook".

If, in fact, these are documents designated confidential by Facebook, please tell us which documents they are, what the redacted passages are, when and how you understand that Facebook designated the documents as confidential and how Plaintiffs have access to documents that Facebook designated confidential.

We need to assess whether to file a motion to keep the material sealed, and we can't do so without knowing what the redacted material is.

Kevin

On Oct 14, 2022, at 5:49 PM, Steve Jodlowski  
<[SJodlowski@rgrdlaw.com](mailto:SJodlowski@rgrdlaw.com)> wrote:

Martha:

Without waiving any privileges, our information is based upon our investigation, our work product, information available from the Google document production, as well as information available and in the public domain. Contrary to your implication, we never said in our letter to the Court that we had access to confidential documents produced by Facebook.

Best,  
Steve

On Oct 14, 2022, at 4:14 AM, Martha Reiser <[mreiser@cravath.com](mailto:mreiser@cravath.com)> wrote:

EXTERNAL SENDER  
Steve,

I am following up on the message below. We need a response today.

Thank you,  
Martha

Martha Reiser  
Cravath, Swaine & Moore LLP  
825 Eighth Avenue  
New York, NY 10019  
212-474-1154  
[mreiser@cravath.com](mailto:mreiser@cravath.com)

On Oct 13, 2022, at 2:33 AM, Martha Reiser <[mreiser@cravath.com](mailto:mreiser@cravath.com)> wrote:

Steve,

Thank you for your response. The sealed portion of your complaint references internal Facebook documents, including internal communications involving "Facebook's highest executives". If these communications are not from documents produced by Facebook, please clarify what these documents are and who provided them to you.

Given the upcoming deadline for Meta to respond to your motion to seal, we would appreciate a prompt response.

Martha

Martha Reiser  
Cravath, Swaine & Moore LLP  
825 Eighth Avenue  
New York, NY 10019  
212-474-1154  
[mreiser@cravath.com](mailto:mreiser@cravath.com)

---

**From:** Steve Jodlowski  
<[SJodlowski@rgrdlaw.com](mailto:SJodlowski@rgrdlaw.com)>  
**Sent:** Tuesday, October 11, 2022 11:47 AM  
**To:** Kevin Orsini  
<[Korsini@cravath.com](mailto:Korsini@cravath.com)>; Martha Reiser  
<[mreiser@cravath.com](mailto:mreiser@cravath.com)>  
**Cc:** Brittany Sukiennik  
<[bsukiennik@cravath.com](mailto:bsukiennik@cravath.com)>; Andrew Huynh  
<[ahuynh@cravath.com](mailto:ahuynh@cravath.com)>; Stuart Davidson  
<[sdavidson@rgrdlaw.com](mailto:sdavidson@rgrdlaw.com)>; Serina Vash  
<[svash@hermanjones.com](mailto:svash@hermanjones.com)>  
**Subject:** RE: Newspaper Plaintiffs' Amended Complaint

Martha and Kevin: Thank you for your note. Apologies for the inartful language in our letter. We do not have, nor have we ever had, any of Facebook's confidential documents.

Best,  
Steve

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**From:** Kevin Orsini  
<[Korsini@cravath.com](mailto:Korsini@cravath.com)>  
**Sent:** Tuesday, October 11, 2022 8:34 AM  
**To:** Martha Reiser  
<[mreiser@cravath.com](mailto:mreiser@cravath.com)>; Stuart Davidson  
<[sdavidson@rgrdlaw.com](mailto:sdavidson@rgrdlaw.com)>; Steve Jodlowski  
<[SJodlowski@rgrdlaw.com](mailto:SJodlowski@rgrdlaw.com)>; Serina Vash  
<[svash@hermanjones.com](mailto:svash@hermanjones.com)>  
**Cc:** Brittany Sukiennik  
<[bsukiennik@cravath.com](mailto:bsukiennik@cravath.com)>; Andrew Huynh  
<[ahuynh@cravath.com](mailto:ahuynh@cravath.com)>

**Subject:** RE: Newspaper Plaintiffs'  
Amended Complaint

EXTERNAL SENDER  
Counsel,

Please provide a response to the below  
as soon as possible.

Kevin

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**From:** Martha Reiser  
<[mreiser@cravath.com](mailto:mreiser@cravath.com)>  
**Sent:** Friday, October 7, 2022 7:07 PM  
**To:** sdavidson  
<[sdavidson@rgrdlaw.com](mailto:sdavidson@rgrdlaw.com)>; Steve  
Jodlowski <[SJodlowski@rgrdlaw.com](mailto:SJodlowski@rgrdlaw.com)>;  
Serina Vash  
<[svash@hermanjones.com](mailto:svash@hermanjones.com)>  
**Cc:** Kevin Orsini  
<[Korsini@cravath.com](mailto:Korsini@cravath.com)>; Brittany  
Sukiennik <[bsukiennik@cravath.com](mailto:bsukiennik@cravath.com)>;  
Andrew Huynh <[ahuynh@cravath.com](mailto:ahuynh@cravath.com)>  
**Subject:** Newspaper Plaintiffs'  
Amended Complaint

Counsel,

In reviewing your amended complaint, we see that you included information that you say in your motion to seal is from documents that were designated confidential by our client. Meta has produced no documents to the private plaintiffs in the MDL. Indeed, at the first conference in the MDL, Judge Castel ordered that only Google must reproduce documents it had produced in related litigation and investigations, not Meta.

Please explain immediately where you got access to the confidential documents referenced in your amended complaint, from whom you received access, and on what basis you received access.

In the meantime, we strongly object to you taking any action that would result in the confidential material you cited being filed on the public docket.



Thank you,  
Martha

Martha Reiser  
Cravath, Swaine & Moore LLP  
825 Eighth Avenue  
New York, NY 10019  
212-474-1154  
[mreiser@cravath.com](mailto:mreiser@cravath.com)

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